

REMARKS

Reconsideration of the present application as amended is respectfully requested. Claim 1 has been amended. Claims 1-26 are currently pending.

Claims 1-6, 8-9, 13-19, and 21-23 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,430,276 to Bouvier et al. ("Bouvier"). Regarding independent claims 1 and 13, the Office Action asserts that column 5, lines 1-5 and column 6, lines 25-34 of Bouvier discloses "receiving a request for access to an access network, said request including at least one service requirement", and that columns 9, line 57 to column 10, line 11 of Bouvier discloses "determining an availability of each of at least one access network based on said at least one service requirement." The Office Action further asserts that column 6, lines 43-49; column 7, lines 29-61; and column 10, lines 4-11 of Bouvier discloses "selecting, based on one or more user preferences, an access network determined to be available from said at least one access network, and accessing said selected access network."

Bouvier describes a telecommunication system for providing a generic access service to enable users to get dialup access to different network access services. Bouvier further describes the use of user profile data stored in a database accessible to a service control subsystem of the telephone system showing which network access services to which a user subscribes. Bouvier further describes that upon detection of a particular phone number assigned to the generic access service, an authentication procedure is initiated in the service control subsystem to identify the user, and once identified using the user profile data to determine what access services are available to that user.

Independent claim 1 has been amended to include the feature of "selecting, by the mobile communication station, based on one or more user preferences, an access network determined to be available from said at least one access network." Support for this amendment to independent claim 1 can be found at at least Figures 2-4; page 10, lines 9 to page 17, line 11 of the application as originally filed. Applicant respectfully submits that Bouvier fails to teach or suggest at least this feature of independent claim 1. Bouvier describes a telephone system in which a selection of a particular service is performed by a service control subsystem of a public switched telephone network (PSTN). Applicant respectfully submits that Bouvier fails to teach or suggest a method of selecting an access network from among one or more access networks

capable of providing service to a mobile communication station in which the selection of an access network based on one or more user preferences is by a mobile communication station as found in independent claim 1. Applicant respectfully submits that independent claim 1 distinguishes over Bouvier and requests that the 35 U.S.C. 102(e) rejection of independent claim 1 be withdrawn.

Independent claim 13 is directed to a mobile communication station capable of accessing multiple access networks comprising a transceiver capable of sending and receiving radio signals to and from the multiple access networks, and a processing unit connected to said transceiver and capable of executing a software program. The software program is configured to receive a request to access an access network from an application executed by the processing unit, the request including at least one service requirement; determine an availability of each access network based on the at least one service requirement; and select an access network from the available access networks based on one or more user preferences. As discussed in relation to independent claim 1, Bouvier describes a telephone system in which a selection of a particular service is performed by a service control subsystem of a public switched telephone network (PSTN). Applicant respectfully submits Bouvier contains no teaching or suggestion of a mobile communication station having a processing unit capable of executing a software program that is configured to determine an availability of each access network based on at least one service requirement and select an access network from the available access networks based on one or more user preferences as found in independent claim 13. Applicant respectfully submits that independent claim 13 distinguishes over Bouvier and requests that the 35 U.S.C. 103(a) rejection of independent claim 13 be withdrawn.

Claims 2-6, 8-9, 14-19, and 21-23 are dependent upon and include the features of their respective independent claims 1 and 13. For at least the reasons discussed with respect to independent claims 1 and 13, Applicant respectfully submits that claims 2-6, 8-9, 14-19, and 21-23 also distinguish over Bouvier and requests that the 35 U.S.C. 102(e) rejections of claims 2-6, 8-9, 14-19, and 21-23 be withdrawn.

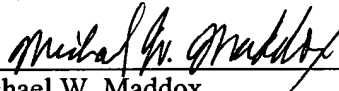
Claims 7, 10-12, 20, and 24-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bouvier. The Office Action asserts that Bouvier discloses the features of claims 7, 10-12, 20, and 24-26 except "wherein said user preferences include a minimum power

consumption, bit rate requirement, maximum transfer delay, and maximum frame error rate." The Office Action takes official notice that these user preferences are well known in the art. Claims 7, 10-12, 20, and 24-26 are dependent upon an include the features of their respective independent claims 1 and 13. For at least the reasons discussed with respect to independent claims 1 and 13, Applicant respectfully submits that claims 7, 10-12, 20, and 24-26 also distinguish over Bouvier and requests that 35 U.S.C. 103(a) rejections of claims 7, 10-12, 20, and 24-26 be withdrawn.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Dated: May 6, 2005

Respectfully submitted,

By 
Michael W. Maddox

Registration No.: 47,764

JENKENS & GILCHRIST, A PROFESSIONAL
CORPORATION

1445 Ross Avenue, Suite 3200

Dallas, Texas 75202

(713) 951-3300

Attorneys For Applicant